

**7-41A. Noncompliance Penalty: Assessment and Signing Consent Agreements
(1200 TN 350 7-41A)**

- 1. AUTHORITY.** Pursuant to section 120 of the Clean Air Act (CAA):
 - a. To assess and receive payment of a noncompliance penalty against every person described in Section 120(a)(2)(A) of CAA; and
 - b. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents under Section 120 of the CAA.
- 2. TO WHOM DELEGATED.** Director, Enforcement and Compliance Assurance Division (ECAD).
- 3. LIMITATIONS.**
 - a. Prior to exercising this authority, the delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Regional Counsel will conduct all negotiations.
 - b. The AA/OECA may waive, in writing, the consultation requirement;
 - c. The AA/OECA may exercise these authorities in multi-Regional cases or in cases of national significance. The AA/OECA or his/her designee must notify the Regional Administrator or his/her designee when exercising any of the above authorities.
 - d. The Agency official who signed the complaint should sign the settlement agreement.
- 4. REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- 5. ADDITIONAL REFERENCES.** None.

7-41A. Noncompliance Penalty: Assessment and Signing Consent Agreements (continued)

6. **SUPERSESSSION.** Delegations Manual, CAA, Regional Delegation 7-41-A.
Noncompliance Penalty: Assessment and Signing Consent Agreements, 1200TN RIII
194, (February 21, 2017).

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Regional Administrator